

STATSET.LKK (rev. 3/00)

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**ERNASTINE HIGHT,**

Plaintiff(s),

NO. 2:07-CV-01872-LKK-EFB

V.

**ORDER SETTING STATUS  
(PRETRIAL SCHEDULING)  
CONFERENCE**

**MERCK CO., INC.,**

Defendant(s). \_\_\_\_\_ /

This action has been assigned to the Honorable LAWRENCE K.  
KARLTON. Pursuant to the provisions of Federal Rule of Civil  
Procedure 16, as amended December 1, 1993, IT IS HEREBY ORDERED  
that:

1. A Status (Pretrial Scheduling) Conference is **SET**  
for December 3, 2007 at 10:00 AM, before Judge Karlton in  
Chambers/Courtroom 4.

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1        2. In order to enable the court to comply with the 120-day  
2 time limit specified in Fed. R. Civ. P. 16(b), plaintiff SHALL  
3 COMPLETE SERVICE OF PROCESS ON ALL PARTIES WITHIN FORTY-FIVE (45)  
4 DAYS OF THE DATE OF FILING THE COMPLAINT HEREIN.

5        3. Concurrently with the service of process, or as soon thereafter  
6 as possible, **plaintiff shall serve upon each of the parties**  
7 **named in the complaint, and upon all parties subsequently**  
8 **joined, a copy of this order**, and shall file with the clerk a  
9 certificate reflecting such service. Any party who impleads a  
10 third-party defendant shall serve upon that party a copy of this  
11 order, and shall file with the clerk a certificate reflecting such  
12 service.

13        4. In the event that this action was reassigned to Judge  
14 Karlton from another judge, **plaintiff shall serve upon all parties**  
15 **to this action a copy of this order**, and shall file with the clerk  
16 a certificate reflecting such service.

17        5. Any non-governmental corporate party to an action in this  
18 court shall file a statement identifying all its parent  
19 corporations and listing any publicly held company that owns 10%  
20 or more of the party's stock. Defendant shall file the statement  
21 with its initial pleading filed in the court and plaintiff shall  
22 file the statement not later than ten (10) days after filing the  
23 complaint. The parties shall supplement the statement within a  
24 reasonable time of any change in the information.

25        6. In the event this action was originally filed in a state  
26 court and thereafter removed to this court, **the removing party or**

1 parties shall, immediately following such removal, serve upon  
2 each of the other parties and upon all parties subsequently  
3 joined, a copy of this order, and shall file with the clerk a  
4 certificate reflecting such service.

5 7. All parties to the action shall appear at the Status  
6 Conference through counsel (**or in person, if acting without**  
7 **counsel**). UNLESS SPECIFICALLY DIRECTED OTHERWISE, COUNSEL LOCATED  
8 OUTSIDE THE COUNTY OF SACRAMENTO MAY APPEAR BY TELEPHONE, PROVIDED  
9 THAT:

10 (a) **THE ACTION DOES NOT INVOLVE A LITIGANT APPEARING IN**  
11 **PROPRIA PERSONA. IN SUCH CASES, ALL COUNSEL AND LITIGANTS MUST**  
12 **PERSONALLY APPEAR;** and

13 (b) COUNSEL STATE IN THEIR TIMELY-FILLED STATUS REPORTS  
14 AS REQUIRED BY THIS ORDER THEIR DESIRE TO SO APPEAR, AND THEREIN  
15 PROVIDE THE TELEPHONE NUMBER THEY WILL BE CALLING FROM; AND

16 (c) **PLACE THE CALL TO CHAMBERS THEMSELVES BY CALLING**  
17 **(916) 930-4130, AT EXACTLY THE TIME THE CONFERENCE IS SCHEDULED**  
18 **TO BEGIN.** IF MORE THAN ONE PARTY DESIRES TO APPEAR BY TELEPHONE,  
19 COUNSEL MUST MAKE ARRANGEMENTS AMONG THEMSELVES TO SET UP THE  
20 CONFERENCE CALL AT THE SCHEDULED TIME **WITH ALL PARTICIPANTS ON THE**  
21 **LINE BEFORE CALLING CHAMBERS.** A FAILURE TO PLACE THE TELEPHONE  
22 CALL AT THE APPROPRIATE TIME WILL BE TREATED AS A FAILURE TO APPEAR  
23 AND MAY SUBJECT COUNSEL TO SANCTIONS.

24 8. The parties shall file with the court and serve upon all  
25 other parties, not later than 4:30 p.m., ten (10) days preceding  
26 the conference, a Status Report. **ANY PARTY FAILING TO FILE A**

1 **TIMELY STATUS REPORT PURSUANT TO THIS ORDER MAY BE SUBJECTED TO**  
2 **MONETARY SANCTIONS AND/OR THE DISMISSAL OF THE COMPLAINT OR**  
3 **STRIKING OF THE ANSWER.** The Status Report shall briefly set out  
4 the views of the party making the report on the following matters:

5 (a) Name(s) of the parties counsel represents;

6 (b) A brief summary of the facts alleged in each  
7 complaint and characterization of the legal theories under which  
8 recovery is sought or liability denied. The characterization of  
9 the legal theories does not require legal argument, but only a  
10 description of the legal theory (or theories);

11 (c) Progress in the service of process;

12 (d) Possible joinder of additional parties;

13 (e) Any expected or desired amendment of pleadings;

14 (f) Specifying the statutory basis for jurisdiction and  
15 venue;

16 (g) Anticipated motions and the scheduling thereof;

17 (h) Anticipated discovery and the scheduling thereof;

18 In this regard, the parties shall discuss whether deferral of  
19 discovery pursuant to Fed. R. Civ. 26(d) is appropriate, any  
20 order affecting discovery pursuant to Fed R. Civ. P. 26 and 29-37  
21 is desired, and whether a discovery conference under Fed. R. Civ.  
22 P. 26(f) should be held;

23 (i) Future proceedings, including setting appropriate  
24 cut-off dates for discovery, law and motion, and the scheduling of  
25 the pretrial conference and trial;

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(j) Appropriateness of special procedures such as agreement to try the matter before a magistrate judge pursuant to 28 U.S.C. § 636(c), or reference to a special master, or to the Judicial Panel on Multidistrict Litigation, or application of the Manual for Complex Litigation, binding arbitration in Superior Court;

(k) Whether any of the parties has timely demanded a trial by jury;

(l) Estimate of trial time;

(m) Modification of standard pretrial procedures specified by the local rules due to the relative simplicity or complexity of the action;

(n) Whether the case is related to any other case, including any matters in bankruptcy;

(o) Whether counsel will stipulate to the trial judge acting as settlement judge and waive any disqualification by virtue thereof, or whether the parties prefer to have a settlement conference before another judge;

(p) The report of the parties concerning use of the Voluntary Dispute Resolution Program pursuant to Local Rule 16-271;

(q) Any other matters which may be conducive to the just, efficient, and economical determination of the action.

Following the status (Pretrial Scheduling) Conference, the court will issue a written order regarding the future course of this litigation.

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1 9. Requests for continuance of Status Conferences are not  
2 favored and will not be granted in the absence of a true emergency  
3 and, in any event, **will not be entertained unless made in writing**  
4 **at least THREE (3) DAYS prior to the scheduled conference.**

5 10. At the time of filing a motion, opposition, or reply, counsel  
6 are directed to email a copy in word processing format to  
7 **lkk-pleadings@caed.uscourts.gov**. Concurrent with filing any  
8 proposed orders in the court's CM/ECF filing system, counsel are  
9 directed to forward a copy in word processing format to  
10 **lkkorders@caed.uscourts.gov**.

11 11. Counsel are hereby reminded of their continuing duty to  
12 immediately notify the courtroom deputy at (916) 930-4133 and the  
13 Judge's Chambers in writing, of any settlement or other disposition  
14 (Local Rule 16-160).

15 DATE: September 11, 2007

16 LAWRENCE K. KARLTON  
17 SENIOR JUDGE  
UNITED STATES DISTRICT COURT

18 by: /s/ H. Kaminski  
19 Deputy Clerk  
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